REMARKS

Claims 1-16 remain pending in this application. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Office Action, claims 1-16 were again rejected under 35 U.S.C. §103(a) as being unpatentable over Allison et al. (WO 200271234 A) ("Allison") in view of Gould et al. (U.S. 2004/0199592 A1) ("Gould"). This ground of rejection is respectfully traversed.

Applicants previously made arguments with respect to this identical prior art rejection in the Amendment filed February 14, 2008. In the present Office Action, the Examiner has characterized Applicants' argument as "Gould does not store the respective timestamp of message associated with source counter increments." See page 8 of the Office Action. Applicants note that the Examiner's characterization is incorrect insofar as the pending claims and Applicants' prior arguments made clear that an array of timestamp**S** is provided. Such an array has multiple entries, each with its own timestamp. That is, as required by the claims, there is provided an "array of timestamp**S** including a timestamp entry for respective source counter increment**S**." Gould is, in fact, silent as to whether an array of timestamps is stored. Gould is focused only on comparing a first timestamp and an "nth" timestamp. There is no mention of storing or acting on timestamps of emails that may have been received between the first timestamp and the "nth" timestamp.

As noted in Applicants' prior response, Gould discloses a system and method for managing e-mail message traffic. Paragraphs [0035]-[0038] describe a methodology in which metrics of a first email message from a given IP address are stored in a datastore. Those metrics include a timestamp for that message and a counter associated with the IP address. When a subsequent email message is received from the IP address, the counter is incremented and it is determined if the counter has exceeded a threshold, and if so, an email message rate is calculated

> based on the time-stamp data of the e-mail message count 1 (the first e-mail message). The time represented by the time stamp of the first message is subtracted from the time represented by the timestamp of the newly arrived message (e-mail message "n") to compute the time period over which the "nth" message arrived.

> The e-mail message rate is determined by dividing "n" by the computed time period.

Paragraph [0037] of Gould.

Based on the foregoing, it is quite clear that Gould does not describe a methodology in which an array of timestamp**S** "including a timestamp entry for respective source counter increments" is stored for further processing. Indeed, Gould specifically describes a methodology in which timestamps of individual messages are ignored until a counter threshold is exceeded. Only then is the timestamp of the "nth" message determined and processed in connection with the timestamp of the first message. Notably, the timestamps of all intervening e-mail messages are irrelevant in Gould. In contrast, in the claimed invention, the timestamps associated with each message counted by the counter is stored for processing ("the array of timestamps including a timestamp entry for respective source counter increments"). See also paragraph [0021] of the present application.

For the foregoing reason alone, any combination of Allison and Gould does not result in claimed invention.

Furthermore, the claims of the present application expressly require "removing entries in the array of timestamps that are older than a fixed window size, and decrementing the source counter for each entry so removed." Gould fails to disclose anything like these claimed limitations. More specifically, Gould is silent regarding removing or deleting entries from the described "IP address record," or decrementing a counter as a result of any such operation. Since Gould does not describe removal or deletion of entries, it is not possible that Gould teaches the specific methodology of removing entries based on a "fixed window size," or decrementing a counter as a result thereof, as is required by the claims.

Since Allison is acknowledged not to disclose the timestamp array feature or the array entry removal scheme of the claimed invention and, for the reasons outlined above, Gould fails to overcome the acknowledged deficiencies of Allison, the §103(a) rejection of the claims based on Allison and Gould should be withdrawn.

In view of the forgoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

Dated: July 25, 2008

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